

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NATIONAL RAILROAD PASSENGER)
CORPORATION,)
Plaintiff)
)
v.) Docket No. 2011-CV-11397-GAO
)
TRIUMVIRATE ENVIRONMENTAL,)
INC.,)
Defendant)

)

**MOTION OF THE DEFENDANT, TRIUMVIRATE
ENVIRONMENTAL, INC., TO DISMISS PURSUANT TO
THE DOCTRINE OF *FORUM NON CONVENIENS***

This dispute arises from a collision that occurred on July 11, 2011, at a railroad crossing in North Berwick, Maine. The plaintiff, the National Railroad Passenger Corporation (“Plaintiff” or “Amtrak”), alleges that, on that date, one of its passenger trains collided with a truck operated by an employee of the defendant, Triumvirate Environmental, Inc. (“Defendant”). Plaintiff alleges that it suffered damages as a result of the incident and asserts a single count of negligence against Defendant.

As discussed more fully in the attached memorandum of law, this Court should dismiss this action pursuant to the doctrine of *forum non conveniens*, as a Maine state court would provide an adequate alternative form, and as considerations of convenience and judicial efficiency point decisively toward the Maine state court system as the appropriate forum to resolve this dispute.

The Defendant,
Triumvirate Environmental, Inc.,
By Its Attorney,

Dated: September 26, 2011

/s/ Michael P. Johnson

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CERTIFICATE OF SERVICE

I, Michael P. Johnson, attorney for the defendant, Triumvirate Environmental, Inc., hereby certify that a true copy of the foregoing document was filed electronically on the Court's Electronic Filing System this 26 day of September, 2011.

/s/ Michael P. Johnson